

BHUTAN 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Bhutan is a democratic constitutional monarchy with King Jigme Khesar Namgyel Wangchuck as head of state and Prime Minister Lotay Tshering as chief executive. In 2018 the country held its third general elections; approximately 71 percent of eligible voters cast their ballots. International election observers reported the elections were generally free and fair.

The Royal Bhutan Army is responsible for defending against external threats, but also has responsibility for some internal security functions, including counterinsurgency operations, protection of forests, and security for prominent persons. The Royal Bhutan Police is responsible for all other internal security matters. The Royal Bhutan Police reports to the Ministry of Home and Cultural Affairs while the king is the supreme commander in chief of the Royal Bhutan Army. Civilian authorities maintained effective control over the security forces. Members of the security forces committed no known abuses.

Significant human rights issues included: political prisoners; criminal libel laws; restrictions on freedom of peaceful assembly and association; restrictions on domestic and international freedom of movement; and trafficking in persons.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings. The Royal Bhutan Army has the authority to investigate and prosecute killings by members of the security forces. The Royal Bhutan Police have the authority to conduct a further investigation and turn the case over to the Office of the Attorney General (OAG) for prosecution.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: There were no separate prisons designated for women and children. The country's Open-Air Prison (OAP) system reduced overcrowding and assisted inmates to prepare for reintegration into society. Prisoners who have served 75 percent of their sentence and exhibited good conduct are eligible for transfer to an OAP, according to UN figures. As of July, 683 inmates resided in 12 different OAP across the country, while 1,292 inmates had been released after serving their OAP tenure since the program's inception, according to media reporting. One of the OAP is for women and their children, who are permitted to live there up to the age of nine years. Inmates enjoy more freedom at OAP than traditional prisons, including the ability to earn money by working in the community, have greater access to family members, move freely in the vicinity of the facility, and use mobile telephones.

Administration: Police administer the prison system. Authorities conducted proper investigations of credible allegations of mistreatment. There was no available information regarding recordkeeping on prisoners.

Independent Monitoring: The government did not permit monitoring by independent nongovernmental observers. In January 2019 an International Committee for the Red Cross (ICRC) mission visited the country and observed progress on detention and prison system standards in line with past ICRC recommendations.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

In its preliminary findings conducted during a January 2019 visit to the country, a UN Working Group on Arbitrary Detention noted significant progress had been made on the arbitrary deprivation of liberty since prior visits in 1994 and 1996.

Arrest Procedures and Treatment of Detainees

Under the law, police may only arrest a person with a court-issued warrant or probable cause. Police generally respected the law. Police may conduct “stop and frisk” searches only if they have a reasonable suspicion that a crime has been committed. Arresting authorities must issue an immediate statement of charges and engage in reasonable efforts to inform the family of the accused. The law requires authorities to bring an arrested person before a court within 24 hours, exclusive of travel time from the place of arrest. The UN Working Group on Arbitrary Detention visited the country in January 2019, observing over 20 places of detention and confidentially interviewing more than 150 detained individuals. The vast majority of those interviewed confirmed that they had appeared before a judge for their first remand hearing within 24 hours of their arrival at a police station, which the UN working group noted was “a remarkable achievement.”

The law provides for prompt access to a lawyer and government provision of an attorney for indigent clients. Bail is available depending on the severity of charges and the suspect’s criminal record, flight risk, and potential threat to the public. In addition, bail can be granted after the execution of the bail bond agreement. Police can hold remanded suspects for 10 days pending investigation, which courts can extend to 49 days. In cases of “heinous” crimes, the period can then be extended to 108 days should the investigating officer show adequate grounds. The law expressly prohibits pretrial detention beyond 108 days. The law empowers the Anticorruption Commission to arrest a person having committed, or who is about to commit, a corruption-related offense. The arrested individual must make a court appearance within 24 hours. The UN working group found that while there were some dedicated pretrial detention facilities for children, there were no dedicated pretrial detention facilities for adults. Instead, police held pretrial detainees in police stations where they were the majority of detainees.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality. The country’s courts generally

function effectively, although Freedom House in its *Freedom in the World 2020* report assessed the rulings of judges “often lacked consistency.”

Trial Procedures

The law stipulates that defendants must receive fair, speedy, and public trials, and the government generally respected this right. A court must hold a preliminary hearing within 10 days of registration of a criminal matter. Before registering any plea, courts must determine whether the accused is mentally sound and understands the consequences of entering a plea. Defendants benefit from a presumption of innocence, have the right to confront witnesses, and cannot be compelled to testify. Conviction requires that cases be proven beyond a reasonable doubt. The government has prescribed a standing rule for courts to clear all cases within a year of the case filing, and in practice, most trials were completed within a year from the start of the proceedings. The country has an inquisitorial judicial system and has no jury trials. The law stipulates a defendant’s right to plead or defend himself or herself in person and that a defendant’s right to a speedy trial not limit his or her time to prepare a defense.

Defendants have the right to appeal to the High Court and Supreme Court. Trials are conducted publicly, although a court can order that press and the public be removed from the courtroom for part or all of the trial in the interest of justice. While the law does not require that defendants in criminal trials receive the free assistance of an interpreter, in practice interpreters are provided free of charge or the proceedings are conducted in a language the defendant understands. The court must provide the opportunity for the parties to present relevant evidence, including witness testimony. Prosecutors and defendants are allowed to conduct direct and cross-examination.

The law provides for the right to representation. Although representation occurred frequently in criminal cases, in civil cases most defendants and plaintiffs represented themselves. The law states that criminal defendants may choose legal representation from a list of licensed advocates. According to testimonies received by the UN working group, a majority of defendants in criminal matters did not have access to legal representation at crucial stages of their proceedings: following arrest, during pretrial detention, and during their trial and appeal. Detainees were generally not aware of their right to a lawyer because they had not been informed of this right by police. In many cases defendants could not afford to retain a private lawyer. The government promoted the use of judiciary websites for legal information as a means of self-help for defendants.

Political Prisoners and Detainees

Family members of prisoners are allowed to meet their relatives and receive a travel allowance paid by the ICRC. Most political prisoners are Nepali-speaking persons associated with protests in the early 1990s. Government officials claimed that those remaining in prison were convicted of having committed violent crimes during demonstrations. The government reported that as of 2016, there were 57 prisoners serving sentences resulting from convictions under the National Security Act or its related penal code provisions. Citing interviews of these prisoners by the UN Working Group on Arbitrary Detention in 2019, civil society network CIVICUS stated that a number of the prisoners were serving life sentences with no prospect of release unless granted amnesty.

Civil Judicial Procedures and Remedies

The constitution provides the right to initiate proceedings for the enforcement of “fundamental rights” enumerated within the text, and individuals and organizations may seek civil remedies for human rights violations through domestic courts. The law governs the resolution of criminal trials and civil litigation and states a suit may be initiated by a litigant or a member of the litigant’s family. The law also provides for compensation to those detained or subjected to unlawful detention but later acquitted. Often local or community leaders assisted in resolving minor disputes. As plaintiffs and defendants often represented themselves in civil matters, judges typically took an active role in investigating and mediating civil disputes.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions.

Citizens seeking to marry noncitizens require government permission.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system contributed to freedom of expression in the country.

Freedom of Press and Media, Including Online Media: Independent media were active and generally expressed a variety of views. The law does not provide specific protections for journalists or guarantee freedom of information, although there were no official restrictions on the media. The law also prohibits media outlets from affiliating with political parties and prohibits outlets from endorsing candidates during the election period. Journalists engaged in self-censorship, especially relating to the royal family, and were hesitant to criticize politicians with whom they had personal relationships.

Censorship or Content Restrictions: Public expression is generally free from censorship, although citizens often refrain from public criticism of the royal family. By law the Media Council, an independent body, is tasked with monitoring the media for harmful or offensive content. Freedom House's *Freedom in the World 2020* report noted "press advocates fear that the new body will further erode press freedom and contribute to greater self-censorship."

Libel/Slander Laws: Defamation can carry criminal penalties. In its *Freedom in the World 2020* report, Freedom House noted that individuals could use defamation laws to retaliate against critics.

Internet Freedom

The government generally did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. Government officials stated the government did not block access, restrict content, or censor websites.

Academic Freedom and Cultural Events

There were no reported government restrictions on academic freedom and cultural events besides countrywide restrictions on public gatherings due to COVID-19.

b. Freedoms of Peaceful Assembly and Association

The law includes provisions for the government to restrict freedoms of peaceful assembly and association, although the implementation of such measures was not common.

Freedom of Peaceful Assembly

While the constitution provides for the right to assemble peacefully, the government retains the right to restrict assembly. The law permits the government to control the public's right to assembly "to avoid breaches of the peace" by requiring licenses, prohibiting assembly in designated areas, and curfews. Freedom House noted government permission for public gatherings was "sometimes denied." The law prohibits "promotion of civil unrest" as an act that is prejudicial to the maintenance of harmony among different nationalities, racial groups, castes, or religious groups.

Freedom of Association

The constitution provides for freedom of association, and the government permitted the registration of political parties pursuant to relevant election laws and nongovernmental organizations (NGOs) deemed "not harmful to the peace and unity of the country." In its *Freedom in the World 2020* report, Freedom House stated that local and international NGOs worked with increasing freedom from official scrutiny, with the exception of NGOs working on the status of Nepali-speaking refugees. Under the law all NGOs must register with the government. To register an NGO, an individual must be a citizen, disclose his or her family income and assets, provide his or her educational qualifications, and disclose any criminal record (see also section 5).

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government limited freedom of movement and repatriation for some groups. Freedom of movement of ethnic Nepalis was sometimes restricted.

In-country Movement: The law establishes different categories of residency, which determines whether a person requires a “route permit” to travel internally, which primarily affected foreigners married to a citizen and their children, and those who were permitted to reside in the country to conduct business.

Foreign Travel: NGOs reported that barriers to acquiring foreign travel documents primarily affected ethnic Nepalis, although children of single mothers who could not establish citizenship through a Bhutanese father also were affected. Citizens are required to obtain a security clearance certificate to obtain a passport.

Exile: In the early 1990s, the government reportedly forced between 80,000 and 100,000 Nepali-speaking residents to leave the country, following a series of decisions taken during the 1970s and 1980s establishing legal requirements for citizenship.

After years of international efforts resulting in the resettlement of thousands of refugees, the UN Office of the High Commissioner for Refugees (UNHCR) reported that as of the end of 2018, approximately 6,500 Nepali-speaking refugees remained in the two refugee camps it administered in Nepal.

There continued to be delays in government consideration of claims to Bhutanese residency by refugees in Nepal.

Citizenship: The law provides for revocation of the citizenship of any naturalized citizen who “has shown by act or speech to be disloyal in any manner whatsoever to the king, country, and people.” The law permits reapplication for citizenship after a two-year probationary period. An individual may reobtain citizenship after successful completion of the probation and a finding that the individual was not responsible for any act against the government. Civil society groups noted disproportionate barriers to citizenship faced by some Nepali-speaking communities and spouses of noncitizens.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced

persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees, but some refugees were eligible for residence permits.

Since the 1960s the country has sheltered Tibetan refugees who were initially located in seven settlements. Tibetan officials reported the Tibetans had largely successfully integrated into society. According to the Central Tibetan Administration's (CTA) 2017-18 annual report, the latest for which information is available, 1,847 Tibetan refugees lived in the country; approximately 1,654 of them had refugee resident permits. The Tibetan refugee population was decreasing as Tibetan refugees adopted Bhutanese citizenship, according to the Department of Immigration.

Freedom of Movement: Tibetan refugees reportedly encountered difficulties traveling within and outside the country. Many Tibetan refugees faced obstacles in obtaining travel permits. There were also reports the government did not provide the travel documents necessary for Tibetan refugees to travel beyond India. Some restrictions on movement exist based on categories of citizenship, which have the greatest impact on Nepali-speaking citizens.

Employment: Reports suggested some Tibetan refugees could not obtain security clearances for government jobs or obtain licenses to run private businesses. While Tibetan refugees are not eligible for government employment, the CTA previously reported that at least 13 refugees received business licenses and others found public-sector employment under temporary government contracts.

Access to Basic Services: The government stated Tibetan refugees have the same access to government-provided health care and education as citizens, although some reports stated Tibetans could not enroll in higher education.

Durable Solutions: The government continued to delay implementing a process to review claims to Bhutanese residency by refugees located outside the country.

g. Stateless Persons

A nationwide census in 1985 resulted in a determination that many Nepali-speaking persons in the country were not citizens, effectively rendering them

stateless. The government alleged this group of individuals were not citizens because they could not prove they or their antecedents had been resident in the country in 1958 during a general citizenship amnesty. Officials repeated the census in 1988-89 in the southern districts. During the second round of the census, those who were deemed not to be citizens in 1985 could apply for citizenship provided they met certain conditions. The government categorized those who did not meet the new criteria as illegal immigrants and expelled them. According to NGOs, an unknown number of Nepali-speaking stateless persons remained in the country, mainly in the south.

For a child to qualify for citizenship, both parents must be Bhutanese citizens. NGOs and media sources highlighted the existence of stateless children born to unwed mothers who were unable to prove the identity of the father of the child. Government reports indicated that 20 children in the kingdom fell into this category.

Stateless persons cannot obtain “no objection certificates” and security clearance certificates, which are often necessary for access to public health care, employment, access to primary and secondary education, enrollment at institutions of higher education, travel documents, and business ownership. The National Commission for Women and Children (NCWC) stated, however, that children without citizenship were eligible for public educational and health services.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The government successfully held national elections in 2018. Voter participation was estimated at approximately 66 percent in the first round and 71 percent in the second. International observers generally considered the elections free and fair. There were no reports of significant irregularities during the election process.

Political Parties and Political Participation: The constitution states that political parties shall promote national unity and shall not resort to regionalism, ethnicity, or religion to incite voters for electoral gain. Political parties are required to be

broad-based, have a national membership, not be limited to a particular region or other demographic constituency, and not receive money or other assistance from foreign sources. The government provided funding only for general elections and maintained comprehensive guidelines on party financing. Four parties contested the 2018 elections.

Participation of Women and Members of Minority Groups: Women were underrepresented in public office. Women occupied 15 percent of the seats in the National Assembly. Seven of the 10 women candidates who contested 2018 National Assembly elections were elected, an increase from three in the previous election. There were four women in the upper house or National Council, including two elected members.

The law prohibits ordained members of the clergy, including Buddhist monks and nuns, from participating in politics. This prohibition restricts clergy from voting or running for office. No laws limit the participation of women and members of minorities in the political process.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year.

Corruption: The government took an active role in addressing official corruption through the Public Accounts Committee in the National Assembly and the Royal Audit Authority, which monitored the use of government funds. The Anticorruption Commission (ACC) is authorized to investigate cases of official corruption and allows citizens to submit information to its website regarding corrupt practices. The constitution enables the ACC to act as an independent body, although its investigative staff were primarily civil servants answerable to the Royal Civil Service Commission. The law authorizes the ACC to cover the private sector. The ACC has the authority to suspend the registration of civil society organizations under investigation and two suspensions continued as of November 2018, according to government statistics.

The 2019 ACC report detailed 165 complaints of “abuse of functions,” 13 of embezzlement, nine of bribery, and 148 other related corruption offenses.

In December 2019 a court sentenced a local district leader to 10 years in prison for embezzlement. The local district leader was accused of unlawful collusion with Bhutan Oil Corporation employees.

Financial Disclosure: The law requires public servants, and persons working for NGOs using public resources, their spouses, and dependents to declare their income, assets, and liabilities.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. According to international NGOs, local civil society organizations practiced self-censorship to avoid issues perceived as sensitive by the government. Sensitive issues included women's rights and environmental issues, as well as issues related to the Nepali-speaking community. The government did not permit human rights groups established by the Nepali-speaking community to operate by categorizing them as political organizations that did not promote national unity (see section 2.b., Freedom of Association).

The United Nations or Other International Bodies: The ICRC continued to engage with the government to facilitate prison visits for Bhutanese refugees living in Nepal.

Government Human Rights Bodies: The National Assembly Human Rights Committee conducted human rights research on behalf of the National Assembly. The Civil Society Organization (CSO) Authority has the legal authority to regulate civil society operations. Of the 50 registered CSOs, 39 were categorized as public-benefit organizations and 11 as mutual-benefit organizations.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The penal code makes no reference to gender in its definition of rape. In cases of rape involving minors, sentences range from five to 15 years in prison. In extreme cases a person convicted of rape may be imprisoned for life. Spousal rape is illegal and prosecuted as a misdemeanor. In January the

NCWC published the *Standard Operating Procedure for Gender Based Violence Prevention and Response*, which lays out policies and procedures related to gender based violence and the roles and responsibilities of the government and civil society in combating it. The OAG stated in its 2018 *Annual Report* that there were 22 sexual offenses committed against women during the year, including eight cases of rape. A 2017 NCWC report found that more than two in five women experienced at least one form of sexual, physical, psychological, or economic violence.

The law prohibits domestic violence and penalties for perpetrators include a fine and a prison sentence of one month to three years with longer sentences for repeat offenders. Three police stations housed women and child protection units to address crimes involving women and children, and 11 police stations housed desks with officers specifically devoted to women and children's issues, an increase from the previous year. The government operated a dedicated toll-free helpline to report violence against women and children. The government trained police on gender issues, and allowed civil society groups to undertake further efforts, including operation of a crisis and rehabilitation center. Freedom House reported that cultural taboos resulted in the underreporting of domestic violence, although reports have increased in recent years. Between January and April, there were 97 reported cases of domestic violence, an increase of 22 compared to last year. The increase in cases was reported to be associated with the onset of the COVID-19 pandemic.

Sexual Harassment: The law has specific provisions to address sexual harassment in the workplace. NGOs reported these provisions were generally enforced. According to UNICEF the Royal Civil Service Commission operated the Civil Service Support Desk under the Well Being Services for sexual harassment in civil service. The commission has designated points of contact to respond and provide assistance to civil servants who face sexual harassment in the workplace. The NCWC has developed an internal framework to address gender issues in the workplace, including preventing and responding to sexual harassment. Some 29 government agencies and local governments have adopted the framework. The NCWC and Royal Civil Service Commission have also conducted awareness programs on sexual harassment and related legislations.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The constitution provides for equality before the law, and no person shall be discriminated against based on race, sex, language, religion, or politics. In some areas, however, traditional inheritance practices stipulate inheritance is matrilineal and that daughters inherit family land.

The law mandates the government take appropriate measures to eliminate all forms of discrimination and exploitation of women and girls, including trafficking, abuse, violence, harassment, and intimidation, at work and at home. The government generally enforced this law.

Children

Birth Registration: Under the constitution, a person can acquire citizenship by birth, by registration or by naturalization. Birth registration is administered by the Department of Census and Civil Registration and upon registration, citizenship is granted. Only children whose parents are both citizens acquire citizenship by birth.

Education: The government provides 11 years of universal free education to children, although education is not compulsory. Gender parity at the primary level has been achieved.

Child Abuse: The law prohibits child abuse and provides for a range of penalties depending on the type of abuse. The OAG stated in its 2018 *Annual Report* 61 sexual offenses were committed against children during that year, including 38 cases of rape and 17 cases of child molestation. The case of Ugyen Wangchuk, a vice principal of a charity school in Bjimena, continued. After being convicted in 2018 of eight child molestation charges and one attempted rape charge, he was sentenced to 10 years in prison. The OAG appealed to the High Court in January 2019, arguing that the sentence should be 27 years of imprisonment.

Child, Early, and Forced Marriage: The statutory minimum age of marriage for men is 18 and for women is 16. A legacy of child marriage persists, with UNICEF's most recent data reflecting a child marriage rate of 6.2 percent of the population married by age 15 and 25.8 percent married by age 18.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, including child pornography, child prostitution, and the sale of children. Authorities generally enforced the law. The legal age of consent is 16 for both boys and girls.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The country does not have a Jewish population, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution specifically protects the rights of citizens with disabilities. Nonetheless, there are widespread social stigmas and stereotyping of persons with disabilities. The law directs the government to attend to the security of all citizens in the "event of sickness and disability." The law requires that new buildings allow access for persons with disabilities, but the government did not enforce this legislation consistently. There were reports hospitals were generally accessible to persons with disabilities, but residential and office buildings were not.

The government's National Policy on Persons Living with Disability in Bhutan takes a multisectoral approach to addressing disabilities. A few civil society organizations advocate for the rights and welfare of persons with disabilities. There is no full-fledged disabled persons' organization.

Members of National/Racial/Ethnic Minority Groups

Reports suggested that some Nepali-speaking citizens could not obtain security clearances, which are required to obtain a passport, secure government jobs, enroll in higher education, and obtain licenses to run private businesses, though the government claimed they were proportionally represented in civil service and government jobs. In its *Freedom in the World 2020* report, Freedom House stated some ethnic Nepalis who lacked a security clearance certificate sometimes faced

difficulties in starting a business. The property registration process could also be lengthy for some. The government did not permit the operation of NGOs working on the status of ethnic Nepali issues, and ethnic Nepalis sometimes faced employment discrimination. Nepali-speaking citizens successfully ran for elected office and were appointed as cabinet ministers.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The constitution provides for equal protection of the laws and application of rights but does not explicitly protect individuals from discrimination based on their sexual orientation, gender identity or expression, or sex characteristics. On December 10, the parliament amended the law against “unnatural sex” to state that “Homosexuality between adults shall not be considered unnatural sex.”

Members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community reported instances of discrimination and social stigma based on sexual orientation.

The law does not provide any distinct legal status for transgender individuals, nor does it provide explicit protections.

HIV and AIDS Social Stigma

While NGOs claimed persons with HIV or AIDS faced no widespread stigma, observers noted such persons feared being open about their condition.

The government provided free medical and counseling services to persons with HIV or AIDS and maintained programs meant to prevent discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions. Workers can form a union with the participation of at least 12 employees from a single workplace. There is no national trade union. The law does not mention the right to conduct legal strikes. Most of the country’s workforce engages in agriculture, a sector that is not unionized.

The law provides for the right of workers to bargain collectively with employers. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity. Violators may face misdemeanor charges and be compelled to pay damages in line with other forms of workplace discrimination.

The government effectively enforced applicable laws. Resources, inspections, and remediation were adequate, and penalties were appropriate. The law grants workers the right to pursue litigation.

Freedom of association and the right to bargain collectively were respected, although there were few employee unions. No unions formed during the year.

According to the Ministry of Labor and Human Resources, there are two wage rates in the country: the national minimum wage rate and the national workforce wage rate. The national minimum wage rate applies to anyone working in the country irrespective of nationality. The national workforce wage rate, which is higher, applies only to Bhutanese nationals. The country's minimum wage when converted to a monthly income was above the poverty line.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor, but the government did not always effectively enforce applicable laws. The law makes exceptions with regard to prison labor, work that might be required during an emergency, and work required for "important local and public" celebrations. The law criminalizes trafficking for illegal, but not exploitative, purposes. Violations of the law with respect to the worst forms of child labor, forced and compulsory labor, nonpayment of compensation, minimum working age, employing foreigners without a permit, and noncompliance with permits issued by the government are felonies subject to three to five years' imprisonment. Resources, inspections, and remediation were adequate, and penalties were sufficient to deter violations. In addition labor inspectors often mediated cases of nonpayment of wages and withholding passports in lieu of civil or criminal investigations. Penalties for forced or compulsory labor were commensurate with other analogous crimes.

Some domestic servants working in private homes, including Indian children, are victims of forced labor. Officials relied on citizens to report forced labor of domestics directly to police.

Migrant workers from India who worked in the country's construction and hydropower sectors and Indian women and girls who worked in domestic service or as caregivers were vulnerable to forced labor. The Ministry of Labor and Human Resources noted 50,057 migrants received work permits in fiscal year 2018-19, mostly from India, although the number of migrant works was likely much lower during the year due to COVID-19 travel restrictions. The Ministry of Labor and Human Resources registered foreign migrant workers in the country, monitored working conditions and recruitment agencies, and produced and disseminated pamphlets advising workers of their rights, including full and prompt payment of wages and their legal right to retain personal identity documents. Young rural citizens were transported to urban areas, generally by relatives, for domestic work, and some of these individuals were subjected to domestic servitude. Unconfirmed reports suggested that some girls who worked as entertainers in *drayungs* (karaoke bars) were subjected to labor and sex trafficking through debt and threats of physical abuse.

Also see the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The minimum age for employment is 13, and the minimum age for hazardous work is 18. Children younger than age 18 are prohibited from working in dangerous occupations, including mining, construction, sanitary services, carpet weaving, or serving in bars.

While child labor laws were generally enforced, the Ministry of Labor and Human Resources reported that limited resources placed constraints on the number of inspections conducted and inspectors employed. Penalties included up to nine years' of nonbailable imprisonment, commensurate with those for analogous crimes.

Children performed agricultural and construction work, completed chores on family farms, or worked in shops and restaurants after school and during holidays. Child labor also occurred in hotels and automobile workshops. Girls were employed primarily as domestic workers, where they were vulnerable to abuse and exploitation.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination for employees and job applicants on the basis of race, color, sex, marital status, pregnancy, religion, political opinion, social origin, or involvement in a workers' association or an occupational health and safety representative and prescribes equal pay for equal work. Violators maybe fined and may be compelled to pay damages. There are no categories or lists of jobs that certain types of persons are prohibited from occupying and women are free to work in the same professions as men. Nepal-based organizations representing refugees claimed that Nepali-speaking citizens were subject to discrimination with respect to employment and occupation (see section 6). Amnesty International reported that many LGBTI individuals--especially those from marginalized backgrounds--face discrimination in workplaces.

e. Acceptable Conditions of Work

The national minimum wage is above the official poverty income level. The law defines the workday as eight hours per day with a one-hour lunch break, and employers are required to grant regular rest days, including a minimum of nine public holidays each year; however, these laws were sometimes difficult to enforce. Work in excess of the legal workday was mandated to be paid at 1.5 times the normal rate.

Government occupational safety and health standards are current and appropriate. Labor regulations grant workers the right to leave work situations that endanger their health and safety without jeopardy to their employment.

The government generally enforced minimum wage, work hours, and occupational health and safety standards, fines and imprisonment effectively in the formal sector. Such penalties, including payment of damages, generally were sufficient to deter violations and were commensurate with other types of workplace violations. The number of labor inspectors was insufficient to cover the country's industries. Labor regulations were not effectively applied in the informal sector.